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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

**ALI SALEEMBAY and JOHN
MUHAMMADBAY,**

Plaintiffs,

vs.

CITY OF OAKLAND, et al.,

Defendants

Case No.: 14-cv-01626-JSC

**DECLARATION OF PLAINTIFF ALI
SALEEM BEY, IN SUPPORT OF
PLAINTIFFS' REPLY BRIEF**

Hearing Date: March 29, 2018

Time: 2:00 p.m.

Courtroom: F

Location: 15th Floor

450 Golden Gate Ave.

San Francisco, CA

Judge: Honorable Jacqueline Scott Corley

INTRODUCTION

1. My name is Ali Saleem Bey. I have personal knowledge of the matters stated herein and would testify to the same if called to do so in a Court of law, except as to those matters which may be stated upon information and belief, and as to those matters, I am informed and believe them to be true and correct to the best of my knowledge.

1 2. I was born on September 9th 1963. I was six (6) days old and nursing when my
2 mother and father, and collective Black America, were horrified by the murder of four (4)
3 little girls in church in Birmingham, Alabama by the KKK, domestic terrorists.

4 3. In 1992, John Bey and I started our own technology company at age 29. The next
5 year we chose to become Muslims and joined the vibrant community of people that built
6 an economically independent “Bakery” in the Golden Gate District of Oakland. Your
7 Black Muslim Bakery, (YBMB) created over 250 Black jobs and spin off businesses such
8 as dry cleaners, laundromats, clothing stores, security and technology businesses. Also
9 YBMB created vertical supply businesses, including product resellers, flower and baking
10 goods, uniforms, produce, fish, and other food product businesses. YBMB supplied low
11 cost housing, drug and alcohol detox-rehab programs, on the job training, free adult
12 educational and physical classes, and elementary through middle community schooling,
13 with free healthy lunches for Christian and Muslim children in our community, the
14 students regularly tested 3 grade levels above Oakland Unified School District (OUSD)
15 students. This close knit, thriving community was successful despite a 36 year long
16 oppressive and openly hostile environment created by OPD and the Joint Terrorism Task
17 Force (“JTTF”) employing tactics of racial and religious profiling, harassment,
18 surveillance, infiltration, and using provocateurs with white and blue collar criminal
19 entrapment scheming and illegal weapons for easy purchase and use.

20 4. When I came to the Bakery in 1993, I was a contract Senior Network Systems
21 Engineer with my own business, an expert in international Wide Area Network (“WAN”)
22 design, and was responsible for managing national and international projects through
23 completion in Brazil, Mexico, Columbia, Venezuela, Argentina, and Chile. I built Fortune
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500 and 1000 corporate network servers, cleared freight through foreign customs, installed and trained cutting edge technology. Before 9/11, I had Network Systems Engineer contracts under which I enjoyed the highest trusted levels of corporate security clearance and access from Fortune 500 corporations such as Bank of America, Wells Fargo, Nestle, Sony, Intel, Microsoft, to name a few, as well as having corporate paid travel, with Five (5) Star International business first class travel privileges.

5. In between international trips and projects, John Bey and I kept our commitment to our community, giving back through our passion for teaching, including teaching technology to adults and children in the Bakery community school. We willingly provided volunteer computer tutoring to “special needs” children by bringing technology into their group homes in the most needy of neighborhoods in Richmond and Oakland. In 1999 John Bey and I founded Nile Valley Industries (“NVI”). We felt the most efficient way to give back to the community was to incorporate the principle of giving and teaching into your business model. [26.0 -26.3 Exhibits] On May 9th 2000, a year and four [4] months before 9/11, Chauncey Bailey published an article in the Oakland Tribune about John Bey and Ali Saleem Bey of NVI starting out manufacturing educational technology in East Oakland with the goal of creating jobs in the Black community. NVI installed, managed, and taught classes in NVI computer labs in “flat land” schools in both East and West areas of the OUSD. OUSD assessment reports proved that NVI could bridge the digital divide at an early age and reduce school district early dropout rates.

6. **This is a 42 U.S.C. §1983[85] Case**

This case is brought pursuant to 42 U.S.C. §1983 for violation of my Constitutional rights and involves the following Disputed Issues of Fact:

a) Whether Defendant City of Oakland Police Department, violated my First Amendment Right of Freedom of Religion; and

b) Whether Defendant City of Oakland Police Department violated my Fourteenth Amendment Right of Equal Protection under the law based on religious and racial discrimination against us as Black Muslims.

c) Disputed Issues of Law:

The major disputed issues of law were addressed by the Court in Defendants' Fed. R. 12 (6) Motion to dismiss the Plaintiffs' TAC. The Court found:

"My review of the evidence and record in this case shows the following: "Defendant Oakland Police Department ("OPD") failed to protect Plaintiffs Ali Saleem Bey and John Muhammad Bey in part by failing to investigate a shooting ambush and other reported crimes against Mr. John Bey".

SALEEM BEY STATEMENT OF FACTS

27.0 Exhibit [Longmire DOJ Testimony BEY003075 L10-23] REDACTED
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Sgt. Derwin Longmire State DOJ 2009 Testimony

7. [28.0 Exhibit BEY004501] REDACTED REDACTED REDACTED

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6 REDACTED REDACTED REDACTED REDACTED [4 Exhibit 004482].

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11 8. June 17, 2005: It was just before 7 am on a sunny summer morning. I was in a
12 deep, deep sleep after working in my business [Nile Valley Industries (“NVI”)] until well
13 after 4 am in the morning. I was shocked awake by the ringing of my cell phone at
14 approximately 6:50 in the morning. I tried to focus to see who was calling at such an early
15 hour, knowing that it could only be either a wrong number or an emergency. The caller
16 I.D. was John Bey’s cousin, a close lifelong friend whom I consider my cousin also. My
17 wife asked, “Who is calling so early?”, and I told her who it was. I only answered the
18 phone because it was definitely out of the ordinary for him to call me this early. As soon as
19 I pressed the answer button on the phone, my cousin’s yelling, frantic voice exploded in
20 my ear. He was yelling, almost screaming, “They murdered him, they killed him”. That sat
21 me straight up in the bed, wide awake now, and I said “Who!!?” he yelled again, “Them
22 motha F****s killed him, they shot John!” I yelled “What!!!?” At first, it didn’t register in
23 my brain, I couldn’t grasp what he said, and he shouted, “They shot and killed John, get up
24 to the house now!” All I could say was, “Ok, I’m rolling” and hung up the phone, with my
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1 head swimming in a thousand simultaneous thoughts. My wife, now wide awake after
2 witnessing the call, asked me, with obvious concern in her voice and eyes, “What
3 happened?” I hesitated answering her, because I was still trying to process a million things
4 that were instantly changing without my brother in my life. She said “What!?” again, and I
5 answered, “He said “They” have shot and murdered John”. And she howled NO!!! Both
6 my wife and I knew immediately, who “they” were, that my cousin referred to.

7
8 **9.** “They” were Antar who had most recently and violently murdered my long-time
9 friend and business colleague Waajid Bey on February 27, 2004. (Missing, found
10 murdered 6 months later wrapped in plastic tarp and bound with duct tape, buried in a
11 shallow grave). Since we reported Waajid Bey missing to OPD on March 1, 2004, John
12 and I had been complaining for the previous year to the OPD that nothing was being done
13 about Waajid’s murder or about the obvious takeover by fraud and murder of his
14 corporation, YBMB, by people who were known to OPD, who used infiltrators and
15 informants to change YBMB leadership. So many things ran through my mind in an
16 instant that I could not focus. I could not believe that my brother John was gone, random
17 shared memories shot through my head, and at the same time, reality was slapping me in
18 the face, knowing that I was the next target. I jumped out of bed, dressed in five seconds
19 like a fire man, snatched my keys and ran to my Dodge truck in a T-shirt, jeans, and tennis
20 shoes with no socks.

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24 **10.** I tore up residential Lincoln Ave. at unsafe freeway speeds, running stop signs,
25 headed to my Brother John’s house in Montclair. As I was driving, my mind went from
26 grief to fury to anger at OPD’s failure regarding justice for Waajid, to rage at the persons I
27 knew were responsible, back to grief, repeating and randomly cycling through these
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1 emotions. I ripped past the Mormon temple in a blur, and when I got to the top of Lincoln
2 Avenue I was just about to turn left onto the Highway 13 on ramp, when my cell phone
3 rang again, and I saw that it was John's wife. She said that John had survived the attempt
4 on his life. She didn't know what his actual condition was, but she did know he was alive
5 and they were taking him to Highland Hospital. I thanked her profusely for the good news,
6 reassured her and tried to project strength and calm as much as I could under the
7 circumstances. I told her that I would make sure I got to John, and that I would keep John
8 safe now. After the call ended, I thanked Allah like I never had before in my life, for the
9 miracle that my brother John was alive, when I believed him gone forever.
10

11 **11.** The emotional roller coaster of grief to relief was dizzying, but the joy of finding
12 out my brother was alive, felt like the pressure of the world was lifted instantly. Then the
13 cold water of reality slapped me back again. The hard reality was that this was just the
14 beginning; that the people who had done this to my brother John and my brother Waajid
15 were still on the loose and more than ever determined to murder John and me, for openly
16 and publicly opposing them.
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19 **12.** At that moment on June 17, 2005, everyone in the OPD chain of command,
20 Criminal Intelligence Division, ("CID"), Intelligence Section, ("IS"), and Joint Terrorism
21 Task Force, ("JTTF"), knew about Waajid's murder and John Bey's attempted murder by
22 Antar Bey and that I was the obvious and logical next target. The future had changed in an
23 instant. All the implications for the safety of my school-age children and family members
24 ran through my head as I drove toward my brother's home at reckless and desperate speed.
25 The home my Brother had grown up in, the home where I had spent countless overnights
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1 as a teen, and the home his family (they didn't know it then) would leave that day and
2 never return to, like refugees, because of this unnecessary incident.

3 **13.** As I turned up the road leading to John's house, I saw the ambulance barreling
4 down the hill with multiple OPD squad cars behind it and knew immediately, "That's
5 him". As they passed me, I U-turned and followed directly behind the OPD squad cars to
6 Highland Hospital. I followed the procession until OPD physically blocked me from
7 driving into the driveway, and I saw OPD, hospital staff, and my brother on a stretcher,
8 disappear into the secured emergency receiving area.
9

10 **14.** I parked and ran back into the Emergency admitting area. I breathlessly identified
11 myself as John's brother and showed a same last name I.D., as the victim, but no one there,
12 not the hospital staff, nor the OPD officers walking in and out, would tell me anything
13 related to John or his condition. I waited at the hospital with other family members who
14 showed up, looking to me for support and any news or update, but no information on
15 John's admittance or status was released. I found out later that this was based on OPD
16 orders to the hospital staff. OPD refused to let me see or speak with John for over 8 hours,
17 until the evening, when OPD allowed me to go in to see him.
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20 **15.** I was relieved to see John sitting up and fully awake, but then I was shocked,
21 saddened, and angry at the same time to see the red blood spots coming through his
22 bandages from his bullet wounds and the IV hanging above him. I greeted him like the
23 brother I thought I would never see again. Then I spoke seriously with him to find out his
24 medical condition. I grabbed his hands with relief and happiness and prayed with him,
25 thanking God when he said that he would fully recover from his injuries. I then discovered
26 that OPD had not let me see John because he was in protective custody at the hospital.
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1 OPD said they didn't know who was responsible, so they blocked everybody. After I had
2 been in the hospital room for about 10 minutes, OPD abruptly said they would now release
3 John out of protective custody and to me. I ran to where I had parked and drove my pickup
4 truck to a secure area where the hospital staff and I helped John up into my truck. I had
5 already directed John's wife to bring their children to my house, and assured her that no
6 one would be crazy enough to come to my house, with me prepared, and that I could
7 guarantee their safety while at my house.
8

9 **16.** During the drive to my house, John and I spoke seriously about the implications of
10 the attempt on his life, what had to be done right now, and the deep, rippling repercussions
11 that would follow. I remember clearly that we angrily discussed OPD's role in creating the
12 atmosphere conducive to the murderers who had attacked him and Waajid. John and his
13 family stayed at my house for a few hours, rested and ate, then late in the evening John and
14 his family, which included his toddler-age children, were relocated to another, unknown to
15 me at the time, family member's house out of town. Depriving our children of the
16 opportunity to grow up together as we had always thought our children would.
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19 **17.** At that moment, I didn't know that after that night I would not know John's
20 location, nor would my family and I see my brother again in person for almost 2 years. I
21 only spoke in code with him briefly on the phone a couple times, since we knew our
22 communications were being monitored and leaked to the people, connected to OPD, who
23 were trying to kill us. After John left to recover and recuperate, it left me and my family
24 feeling very exposed. To my astonishment I was never questioned by OPD about John's
25 attempted murder.
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18. 8/19/2005 [28 Exhibit BEY004505] REDACTED REDACTED

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REDACTED REDACTED REDACTED we would have filed a complaint.

19. We also discovered that within days of OPD secretly closing John's case, OPD had arrested the lead suspect in John's attempted murder, 29 Exhibit BEY0101 . On August 5, 2005, a \$74,000.00 bail was issued in the OPD arrest of Yusuf 4, on charges of carjacking, making terrorist threats, and using a shot gun, just as had been used in John's attempted murder. In 2013 we discovered that OPD and ATF were "watching" the perpetrators and "gun walking" the weapons that were used in John's attempted murder, and covered it up by closing the John Bey case. This happened during an active OPD/JTTF undercover operation involving all the same suspects/assets receiving "special treatment" from OPD/JTTF during their years-long attacks on us. This knowledge caused irreparable harm and damage to me, causing uncontrolled paranoia, wondering who OPD was aiding. Where are they now? Do they still pose a danger to me and my family? Living daily with this haunting trauma, in this state for over a decade, is a continuing, unbroken nightmare and torturous. Post Traumatic Stress Disorder is most debilitating when the stress of being under current and constant threat, not only to one's own life, but to loved ones, makes it

worse. Without the psychological closure of removing OPD and the City Administrator from control of our [deliberately failed to date] investigations, and facilitating an Independent Investigation, the process of the continued irreparable damage to myself, John Bey and our families continues unabated.

20. Our 2017 discovery confirmed, after reading the DOJ testimonies, including those of Brock and Crutchfield's supervisor, OPD Ersie Joyner and OPD Longmire, that there is a total absence, meaning zero questions regarding John's case, in the DOJ investigation.

21. In 2014 we discovered that in January 2005, six (6) months before the June 17, 2005, attack on John Bey, OPD/JTTF had specifically designated Antar Bey, (the future lead suspect in John's attempted murder], as "Lead Subject" in an undercover OPD/JTTF operation, using OPD Longmire to infiltrate and mentor.

22. [30 Exhibit BEY002865: L22-24] REDACTED REDACTED
REDACTED REDACTED REDACTED . In 2002, OPD Longmire, initiated the first FBI investigation, of Waajid, John, and I, that ended in exoneration. OPD Chief Tucker initiated a 2005 second FBI investigation, this time of Antar Bey and associates. When John Bey and his wife gave OPD investigators the name of Antar Bey in June, 2005, OPD was already aware of the danger that Antar and these persons posed to us and our community. OPD was watching Antar from the inside (informants) and out, before the attempted murder of John Bey, and attempted takeover of his business UD Security and continued after closing John's case.

23. In 2005, the local media reported “the attempted murder of John Bey” and [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [17 Exhibit: BEY2890 L20-22] [REDACTED] [REDACTED]

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2 REDACTED [11 Exhibit JMB photos] OPD had knowledge of the heinous,
3 vicious, and high profile nature of the actual shooting crime, and of the amount of officers
4 who had responded from the crime scene photos. Discovery in 2017, shows that OPD was
5 aware of Antar's role in Waajid's murder and the takeover of the Bakery by a majority of
6 outsiders. We know that the existing OPD, IS undercover operation was using and aiding
7 the lead suspect and perpetrators of the John Bey attempted murder; and was currently
8 running when OPD chain of command depravedly, deliberately, and indifferently closed
9 and buried John's case without investigation. REDACTED REDACTED

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18 24. [12 Exhibit BEY004444 - 004446] REDACTED REDACTED

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24 I approached two Black Muslim ladies who were founding YBMB corporate board
25 members, whose names were forged on Antar's fraudulent corporate resolutions. It was
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1 very, very difficult to encourage them to sign affidavits stating that THEIR signatures were
2 forged. The board members (mothers and grandmothers in their 50's and 60's), rightfully
3 feared for their lives, and the safety of their families, based upon OPD's track record of
4 deliberate indifference, and lack of action to date on the Waajid Bey and John Bey cases
5 and due to open threats, violence, and intimidation made by the same people who OPD
6 admits knowing are responsible for the murder of Waajid and the attempted murder of
7 John. I took said signed affidavits and the forged documents to OPD Sgt. Brock, who said
8 to me, "OPD would look into it". Unbeknownst to me at the time he [Brock] was
9 deliberately failing to investigate Waajid's murder and he and OPD were still lying to us
10 about actively investigating John's [closed] case, so I believed him.
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13 **25.** In September, 2005, I applied with the Alameda County Sheriff's Department
14 ("ALCOSD") for a Concealed Carry Weapons ("CCW") Permit [31.0Exhibit BEY0101]. I
15 did this specifically to start a paper trail, on obvious to me, [now established] "deliberate
16 indifferent" OPD unequal treatment. I did this, with the purpose of having an "official"
17 record in the future, that OPD was noticed, and when, about the obvious and known
18 danger to my life and to my family in 2005. The CCW application requires justification. I
19 provided an "official record" to OPD and ALCOSD with full details of the danger to my
20 life and family, and that the danger was directly tied to Antar Bey and Yusuf 4. In 2009,
21 OPD Longmire testified/admitted that this danger to myself as a Bakery "old guy" was
22 known by OPD chain of command since 2004, based on my relationship to my OPD/JTTF
23 targeted business [NVI], the unsolved murder of Waajid Bey, the unsolved attempted
24 murder of John Bey, and the takeover of the Bakery. According to ALCOSD guidelines,
25 my verifiable and credible first hand relationships to victims of anunsolved targeted
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murder and an unsolved targeted attempted murder, of close “non criminal” associates, was a legally valid reason for legal self-defense authorization to carry a concealed weapon to protect myself and my family, including my children.

26. Through discovery in 2017, I found out that John Bey and his wife had made almost the exact same statement to OPD,[28 Exhibit BEY004518] REDACTED

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REDACTED REDACTED REDACTED REDACTED .[32 Exhibit

BEY02001] In 2011, OPD Longmire’s attorney revealed a hidden relationship between OPD Longmire and lead suspect [in Plaintiff John Bey case] Antar Bey [older brother of Yusuf 4]. An FBI phone PEN register revealed “there were several calls from Antar Bey to Longmire”. This occurred while John Bey’s case was open and during my CCW application process, both naming Antar as lead threat to our lives. This 2017 discovery evidence newly exposed a personal OPD Longmire relationship to Antar, before Antar’s October 25th 2005 murder, meaning that OPD Longmire was in “conflict of interest/bias” when he accepted lead investigator on the Antar murder investigation. [33 Exhibit BEY003076 L3-5]. REDACTED REDACTED REDACTED REDACTED

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REDACTED . I, Saleem Bey was named by Antar’s family as the first lead suspect in Antar’s murder, based on my relationship to the John Bey attempted murder case. REDACTED REDACTED

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3 REDACTED REDACTED REDACTED These OPD actions deliberately
4 and depravedly increased the danger to my life and safety and the constant psychological
5 torture of being hunted in my own community by persons who it was obvious were
6 receiving some kind of OPD aid.
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8 **27.** Early October, 2005, Antar Bey had been exposed by me through civil suit
9 discovery evidence, revealing Antar as being a confirmed fraudulent CEO of YBMB. I
10 Plaintiff Saleem Bey, personally updated and noticed OPD Bruce Brock, that our Waajid
11 Bey's corporation's date in the civil case was a month out. Days before the trial date, on
12 October 25, 2005, Antar Bey was murdered in a gas station, while under OPD Longmire's
13 24 hour OPD/JTTF undercover operation surveillance. After the murder of Antar, his
14 younger brother, then 19 year old Yusuf 4, fraudulently proclaimed himself CEO of
15 murder victim Waajid Bey's YBMB corporation. OPD admits that they knew Antar
16 murdered Waajid to take over his business, yet OPD chain of command made the decision
17 to immediately begin aiding [11/28/05] Antar's younger brother Yusuf Bey 4 with "special
18 treatment". OPD Loman instructed OPD Longmire to "release him [Yusuf 4] if he told the
19 truth". If Yusuf 4 had told the truth it would have been a confession to a crime caught on
20 camera, which should have resulted in an arrest and charging and not "release". OPD
21 Loman also blocked Ramey warrants to arrest Yusuf 4 and retrieve the stolen shotgun,
22 which was later used to murder Bailey.
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26 **28.** On November 23, 2005, we later discovered, that in 2011, according to multiple
27 OPD CID officers' testimony in the State DOJ investigation, that OPD Longmire and his
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OPD supervisor Ersie Joyner's actions, resulted in compromising criminal cases to benefit Yusuf Bey 4. [34.0-34.2 Exhibit BEY01011-01013 Sustained MOR 370.72.1] In 2011, all the sustained findings against Longmire were later overturned by his supervisor OPD Jordan, who was in the meeting and approved giving Yusuf 4 "special treatment", thus OPD chain of command nullified the 2009 State DOJ investigation findings, that OPD Longmire deliberately compromised criminal cases for Yusuf Bey 4.

29. [27.1 Exhibit BEY0102] REDACTED REDACTED REDACTED REDACTED REDACTED REDACTED

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REDACTED REDACTED In researching this, I, Plaintiff Saleem Bey, was told by

an Alameda County license Bail bonds man that he had never heard of anything even close to multiple concurrent bails regarding young Black men in ALCO. Without said ALCO

DA concurrent bails and OPD warrant service failures 2005-2007, violently escalating Yusuf 4, would not have been OPD termed "off the hook" and free on the street in 2007,

when two (2) women were kidnapped and tortured, and when Odell Roberson, Michael Wills and Chauncey Bailey were murdered. This 2004 – 2007 OPD deliberate indifferent failure has never been investigated.[35 Exhibit BEY002844 :Pg. 43 L3-5] REDACTED REDACTED

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1 REDACTED REDACTED This is an admission by OPD Joyner that OPD was
2 aware of the progressive danger to the Black and Muslim community that these youngsters
3 posed. All OPD actions aiding Yusuf Bey 4 fostered the increase in danger, resulting in
4 multiple collateral damage, Black community murders and the constant threat of death for
5 myself and my family.
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7 **30.** 2009 [1 Exhibit BEY004604 #45] REDACTED REDACTED

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15 REDACTED [36 Exhibit BEY003002:Pg. 226 L7-10] REDACTED REDACTED

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18 REDACTED This testimony by OPD Joyner proves that OPD knew these were not
19 Black Muslims and still chose to aid these youths. OPD admits they knew these persons
20 were not in fact Black Muslims, OPD admits also to having informants inside this “gang”
21 with knowledge of stolen illegal weapons “pin point” locations. OPD Jordan falsely told
22 the press that “it looked like the Nation of Islam attacked the Liquor Stores”. OPD
23 depravedly provided known shooters in our community with “special treatment” and
24 access to known illegal automatic weapons, until people in the Black and Muslim
25 community were murdered. As one of the main targets of these people I lived in constant
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1 concern for my life. I was forced to wear a bullet proof vest between 2005 and 2012 based
 2 upon OPD actions to aid known shooters in our community with an established motive for
 3 attacking me. For years, because of OPD, I was forced to place a bullet proof vest between
 4 the car door and my children every time I drove them anywhere. I cannot adequately
 5 describe the constant horror feelings and stress of a parent who has to live with
 6 endangering his children every time they are near. I still live with the fact that these people
 7 and the corrupt cops that enabled them are still out there and posing an unknown constant
 8 threat.
 9

10 **31.** September, 2005, months before the November 28, 2005, meeting in which OPD
 11 agreed to give “Special treatment” to Yusuf 4, I personally advised OPD Sgt. Bruce
 12 Brock, that Yusuf 4’s Black Muslim community record was; (1) he was directly connected
 13 to the murder of YBMB CEO Waajid Bey, (2) he was the lead suspect in attempted
 14 murder of UD Security CEO John Bey, (3) he was targeting and threatening my life as
 15 NVI CEO, (4) that multi-million dollar YBMB corporate and real estate fraud was tied to
 16 Waajid Bey’s murder. Even with this direct knowledge, OPD depravedly still aided 19
 17 year old Yusuf 4, a multiple felony weapons violence arrestee, while simultaneously,
 18 deliberately and indifferently failing the “old guys”, 42 year old Plaintiffs John Bey and
 19 myself, and our friend and business associate, 51 year old Waajid Bey, all men, who
 20 provided employment in their community and with no criminal records.
 21

22 **32.** On February 2, 2006, I was interviewed by JTTF agents; ATF Ray Roundtree and
 23 OPD IS officer Andre Rachal at my NVI manufacturing plant in West Oakland. During
 24 this meeting it was acknowledged by the JTTF that they knew YBMB had been taken over
 25 by young outsiders. This has now been proven in 2017 discovery [27 Exhibit BEY3075],
 26
 27
 28

1 REDACTED REDACTED REDACTED REDACTED REDACTED

2 REDACTED REDACTED REDACTED REDACTED REDACTED

3 REDACTED REDACTED REDACTED REDACTED REDACTED

4 REDACTED REDACTED . This verified for me [02/02/06] that OPD knew the
5 immediate danger to my life, while aiding Yusuf 4 to foment Black street level violence.

6
7 **33.** On March 26, 2006, the ALCOSD told me that “OPD had denied my Concealed
8 Carry Weapons (“CCW”) Permit application, and that OPD Chief Tucker made the final
9 choice to deny my CCW application”. [31.1 Exhibit BEY0103 CCW Denial]. OPD Chief
10 Tucker took the full allotted time of 6 months. REDACTED REDACTED

11 REDACTED REDACTED REDACTED [27 BEY003075] REDACTED REDACTED

12 REDACTED REDACTED REDACTED REDACTED REDACTED

13 REDACTED REDACTED REDACTED REDACTED REDACTED

14 REDACTED REDACTED REDACTED REDACTED REDACTED

15 REDACTED REDACTED REDACTED REDACTED REDACTED

16
17 Depravedly, at the exact same time I was being stalked by armed proven OPD assets, OPD
18 Chief Tucker denied my CCW application without explanation, with a “denial check box”.
19 Chief Tucker ignored my clean record, my passing of all ALCOSD interviews,
20 background checks, and legal registered firearm requirements in order to deny my
21 application. After this, if I wanted to protect myself and family from persons with access
22 to illegal weapons stalking me, I would have to be unprotected or do it illegally.

23
24 **34.** [4 Exhibit BEY004482] REDACTED REDACTED REDACTED

25 REDACTED REDACTED REDACTED REDACTED REDACTED

26 REDACTED REDACTED REDACTED REDACTED REDACTED

1 REDACTED REDACTED REDACTED REDACTED REDACTED

2 REDACTED Based on my credibility, on July 30th 2007, Defendant Mayor
3 Dellums gave me a signed letter of support for the Bakery, stating “Not only has the
4 bakery been a source of nutritional, additive free baked goods and healthy foods but, it
5 has also provided stability by way of training and employment for many of our
6 residents”, [37.0 Exhibit] Said Defendant Mayor letter is addressed to the Judge in the
7 YBMB bankruptcy court, establishing, Defendant specifically intended to help stop the
8 fraudulent YBMB bankruptcy. I added it to the three other YBMB letters of support that I
9 requested and received from local elected representatives [37.1-37.3 Exhibit]. I was
10 advised by Mayor Dellums’ legal counsel, Dan Linheim, to file complaints with the ALCO
11 DA and CPRB. The ALCO DA office failed to take action on the obvious fraudulent
12 YBMB bankruptcy of Yusuf Bey 4, at the same time as the ALCO DA office was
13 providing multiple concurrent bails to Yusuf Bey 4. This occurred while ALCO DA was
14 working with OPD CID Longmire and Joyner on the JTTF Bakery operation. The CPRB
15 closed the complaint the same day I interviewed, then forwarded it to OPD IAD on July
16 25, 2007. OPD IAD closed my IAD No. 07-0538 complaint in eleven (11) days without
17 investigation on August 6th 2007, this occurred during, but was concealed from the related
18 OPD Chauncey Bailey murder investigation. Discovery in 2017, reveals that ALCO DA
19 Investigator Brock, was at the scene of Bailey’s murder at the same time he was named by
20 me in IAD No. 07-0538. Former OPD Bruce Brock concealed his and OPD MOR 314.39
21 violations by, admitting that he stole the John Bey and Waajid Bey case files when he
22 retired from OPD and took them with him to the ALCO DA’s office. Said illegally stolen
23 cases were MOR violations concealed, and only revealed by discovery this year (2017),
24
25
26
27
28

ten (10) years later, regarding the exact same cases that I, Plaintiff Saleem Bey, complained about [IAD No. 07-538] and were the main subjects of Bailey's never published story that I gave him on July 17th 2007. In 2011, ALCO DA's office got murder convictions against Yusuf 4 stating that stopping Bailey's story was motive to murder him.

35. [12 Exhibit 004416] REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

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REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED . [16 Exhibit

BEY003140] REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

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REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED

36. 2014 IAD No. 13-1062 findings determined that the John Bey and Waajid Bey cases were in fact OPD MOR 314.39 violations. After confirming MOR 314.39 violations,

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED [12 Exhibit 004416] REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED Equal treatment by OPD in 2007.

would have revealed the same MOR 314.39 violations revealed in 2014 for the same cases

and changed the statute dynamics and timeliness of our complaints.

37. On July 16th 2007, Yusuf 4 was released from Solano County court, with outstanding \$360,000 “no bail” bench warrants, and while on multiple concurrent felony violence related bails in multiple counties, all after I [Plaintiff Saleem Bey] personally noticing OPD of his court date, OPD failed to show up and serve the outstanding warrants, even after connecting Yusuf 4 to two (2) murders just the prior week [Roberson July 8th and Wills July 12th]. An OPD/JTTF gun walked illegal high powered military grade weapon [7.62 cartridge] was used to commit these murders. OPD knew Yusuf 4 had access to, and control over illegal weapons [since 2005] when he was released from Solano County custody in 2007, putting him back on the street and back to posing a direct life threat to myself [Plaintiff Saleem Bey] and John Bey. Yusuf 4’s release is a direct causation of the brazen daylight murder of Bailey, [who was investigating OPD relationship to Yusuf 4], a mere 17 days later, an order Yusuf 4 would have been unable to give from behind Solano County bars being monitored.

38. On July 17th 2007 I gave Journalist Bailey the “never published” story of OPD complaint IAD No. 07-0538, that would have exposed OPD chain of command’s gun walking operations in the Black community setting up Black on Black vendetta murders.

39. [6.0 Exhibit BEY009107] After ten (10) years of having only, a single-paged, ambiguous IAD No. 07-0538 closing letter, [28 BEY004480] REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED [28 BEY004483 - 004492] REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED [28 BEY004480] REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED This memo establishes that, had any of the above noticed OPD Divisions simply looked at the status of the John Bey case, they would have seen that it had been closed in MOR 314.39 violation, as 2014 IAD Griffin did with no status change since 2005. REDACTED REDACTED REDACTED

REDACTED this memo shows that copious amounts of information and evidence in my IAD No. 07-0538 complaint against CID chain of command were passed and circulated to the OPD Intelligence Section (“IS”) [Andre Rascal] that was working with OPD CID and JTTF, and amongst multiple OPD employees and divisions as early as July 25th 2007. This list of Defendant employees who knew about my IAD No. 07-0538

complaint included: Defendant Mayor, CPRB staff, the City Administrator Dan Linheim, the City Attorney, and OPD Chain of command up through Chief Tucker who [discovery verifies] received my 2007 IAD No. 07-0538 related evidence from multiple sources [CPRB, IAD, CID,JTTF], and while being directly reported to by OPD IS. With almost complete defendant leadership knowledge of my IAD No. 07-0538, OPD still failed to include IAD No. 07-0538 in the DOJ investigation.

40. [28 BEY004481] REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED [12 BEY004462] REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

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41. [12 BEY004462] REDACTED REDACTED REDACTED

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REDACTED REDACTED REDACTED REDACTED REDACTED

1 REDACTED REDACTED REDACTED REDACTED REDACTED

2 REDACTED REDACTED REDACTED REDACTED REDACTED

3 REDACTED REDACTED [12 BEY004462] REDACTED REDACTED

4 REDACTED REDACTED REDACTED REDACTED REDACTED

5 REDACTED REDACTED REDACTED REDACTED REDACTED

6 REDACTED REDACTED REDACTED REDACTED REDACTED

7 REDACTED REDACTED REDACTED REDACTED REDACTED

8 REDACTED REDACTED REDACTED REDACTED REDACTED

9 REDACTED REDACTED REDACTED REDACTED REDACTED

10 REDACTED REDACTED REDACTED REDACTED REDACTED

11 REDACTED REDACTED REDACTED REDACTED REDACTED

12 REDACTED REDACTED REDACTED REDACTED REDACTED

13 REDACTED REDACTED REDACTED REDACTED REDACTED

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16 REDACTED REDACTED REDACTED REDACTED REDACTED

17 REDACTED REDACTED REDACTED [2.0 ExhibitPBEY00000]

18 REDACTED REDACTED REDACTED REDACTED and [12

19 BEY004420]. REDACTED REDACTED REDACTED REDACTED

20 REDACTED REDACTED REDACTED REDACTED REDACTED

21 REDACTED REDACTED REDACTED REDACTED REDACTED

22 REDACTED [28 BEY004482]. REDACTED REDACTED REDACTED

23 REDACTED REDACTED REDACTED REDACTED REDACTED

1 REDACTED REDACTED REDACTED REDACTED REDACTED

2 REDACTED REDACTED REDACTED REDACTED REDACTED

3 REDACTED REDACTED REDACTED REDACTED REDACTED

4 REDACTED REDACTED REDACTED REDACTED REDACTED

5 REDACTED REDACTED REDACTED REDACTED REDACTED

6 REDACTED REDACTED REDACTED REDACTED REDACTED

7 REDACTED REDACTED [27 Exhibit BEY003075].With this knowledge we

8
9 would have had specific evidence in 2009 to file a complaint, instead all we had was a one
10 page, ambiguously worded IAD closing letter between 2007 and forced discovery in 2017.

11 **42.** On July 31st 2007, OPD Chief Tucker and AC Jordan cost Bailey his life by
12 secretly changing the date of the “raid” to arrest Yusuf 4 from 8/1/07, the day before the
13 murder of Bailey on 8/2/07, to 8/3/07, the day after his murder. Chief Wayne Tucker was
14 caught repeatedly lying to the public regarding the circumstances of the date change. This
15 has never investigated.
16

17 **43.** On August 2nd 2007, OPD Joyner removed all 24 hour surveillance of Yusuf 4 and
18 associates at the exact window of time of the Bailey stalking and murder by an OPD gun
19 walked shot gun. Even though OPD was serving a “largest in Oakland history” 250 officer
20 life and safety threatening warrant the next day. FOIA evidence reveals that Yusuf 4 had
21 been under OPD/JTTF at least a year prior to said murder. [Never been investigated].
22

23 **44.** On August 2nd 2007 Chauncey Bailey was murdered by the gun walked shotgun
24 stolen in the 2005 “special treatment” liquor store robbery. OPD [falsely] publicly claimed
25 that OPD didn’t know about any Bakery connection to Bailey’s story. OPD stated that
26 stopping the [never published] story was the motive for Bailey’s murder, and yet OPD
27
28

never demanded to see the story, or have Bailey's story turned over as motive, thus murder evidence. The DOJ did not investigate this, and Bailey's murder has never been investigated outside of 100% OPD control, nor by anyone other than OPD Longmire who was caught compromising the Bailey case to benefit Yusuf 4.

45. [5 REDACTED REDACTED] 04463] REDACTED REDACTED REDACTED

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REDACTED REDACTED REDACTED REDACTED REDACTED REDACTED

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REDACTED REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED which is

[illegible]

47. [12 BEY004416] REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

1 REDACTED REDACTED REDACTED REDACTED REDACTED

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3 REDACTED REDACTED REDACTED REDACTED REDACTED

4 REDACTED REDACTED REDACTED REDACTED REDACTED

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6 REDACTED REDACTED REDACTED REDACTED REDACTED

7 REDACTED REDACTED REDACTED REDACTED REDACTED

8 REDACTED REDACTED REDACTED REDACTED REDACTED

9 REDACTED REDACTED REDACTED REDACTED REDACTED

10 REDACTED REDACTED REDACTED REDACTED REDACTED

11 48. [40 BEY004567] REDACTED REDACTED REDACTED

12 REDACTED REDACTED REDACTED REDACTED REDACTED

13 REDACTED REDACTED REDACTED REDACTED REDACTED

14 REDACTED REDACTED REDACTED REDACTED REDACTED

15 REDACTED REDACTED REDACTED REDACTED REDACTED

16 REDACTED REDACTED REDACTED REDACTED Defendant deliberately

17 concealed OPD admitted known MOR violations against Black Muslims in the final DOJ

18 report starting after April 2009, and then blames us for not timely filing before the statute

19 deadline in July 2009. Between 2007 and 2011 we had no new evidence and only

20 possessed the deliberately incorrect and incomplete 2007 one page IAD closing letter,

21 while waiting on the conclusion of the 2009 DOJ that OPD lied about our inclusion in.

22 This concealment solely benefited defendant, and allowed defendant to claim statute

23 protection based upon the pretext of our lack of action.

49. [32.2 Exhibit BEY02002] establishes that during the exact time frame that I filed IAD No. 07-0538 [7/13/07], OPD chain of command Assistant Chief (“AC”) Howard Jordan and DA Rodgers were giving direct orders to Sgt. Derwin Longmire, “in fact, on several occasions Assistant Chief Jordan as well as Tom Rogers were giving Derwin Longmire directives on what to do”. This quote is attributed to OPD Ersie Joyner, Longmire’s and Crutchfield’s CID supervisor (Joyner, DOJ interview, 29:6-24;239:16-240:10). This quote is not in the Defendant’s released version of the DOJ report, [41 Exhibit BEY002830] REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

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50. [12 BEY004463]. REDACTED REDACTED REDACTED

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REDACTED REDACTED REDACTED REDACTED REDACTED

1 REDACTED REDACTED REDACTED REDACTED REDACTED

2 REDACTED REDACTED In 2015, OPD Figueroa admitted to us that OPD Ersie
3 Joyner [named in our 2011 IAD complaint] was in fact in MOR violation, based on OPD
4 Joyner's failed supervision of OPD Brock and Crutchfield.

5 **51.** [8 BEY004430] REDACTED REDACTED REDACTED REDACTED

6 REDACTED REDACTED REDACTED REDACTED REDACTED

7 REDACTED REDACTED REDACTED REDACTED REDACTED

8 REDACTED REDACTED REDACTED REDACTED REDACTED

9 REDACTED REDACTED REDACTED REDACTED REDACTED

10 REDACTED REDACTED REDACTED REDACTED REDACTED

11 REDACTED REDACTED REDACTED REDACTED REDACTED

12 REDACTED REDACTED REDACTED REDACTED REDACTED

13 REDACTED REDACTED REDACTED REDACTED REDACTED

14 REDACTED REDACTED REDACTED

15 **52.** [12 BEY004420] REDACTED REDACTED REDACTED

16 REDACTED REDACTED REDACTED REDACTED REDACTED

17 REDACTED REDACTED This statement is incorrect. First, OPD supervisors
18 were sustained for multiple MOR violations and second AC Figueroa has stated that OPD
19 CID supervisor Ersie Joyner was sustained also, but not written up in incomplete IAD13-
20 1062. Discovery also establishes that none of our previous IA investigations were
21 investigated and were in fact, administratively closed. No OPD or IA investigation has
22 been done regarding John Bey, nor any IAD complaint that I, or we, have filed to date.
23
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53. 2017 Discovery irrefutably establishes that OPD admits that the John Bey and Waajid Bey cases were an OPD deliberate failure to properly investigate. Defendant OPD IAD admits that the fact that OPD CID closed John Bey's case without investigation on August 19, 2005 was, and presently is, an OPD MOR 314.39 violation. Said August 19, 2005 closing date establishes the first day OPD CID was in violation, and OPD as a Department remains in a state of OPD MOR 314.39 regarding the John Bey case for more than 12 years to the present reading of this declaration, continuing the irreparable harm.

54. [12 BEY004418] REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED [12 BEY004419] REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED [12 BEY004419] REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

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REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED [12 BEY004419] IAD Griffin, REDACTED REDACTED

REDACTED This statement is contradicted and proven as pretext by [28

BEY004513], REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED 42

BEY002858 L1] REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED

55. [12 BEY004420] REDACTED REDACTED REDACTED

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REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED [REDACTED] BEY004420] REDACTED REDACTED

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REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED [4 BEY004482]. REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED [20 Exhibit] The sex scandal report on the failed high profile investigation of OPD sex crimes with a minor is the same, with Defendant OPD Chief, the Mayor, City Attorney, City Administrator all failing to follow up.

56. [12 BEY004420] REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED [12 BEY004420] REDACTED REDACTED

[illegible]

1 REDACTED REDACTED REDACTED The John Bey case file was
 2 finally located by OPD with our aid and then closed by OPD 30 days later, beating the
 3 previous 63 day deliberate closure failure, and continuing the irreparable harm to us.

4 57. REDACTED REDACTED REDACTED REDACTED REDACTED

5 REDACTED REDACTED REDACTED REDACTED REDACTED

6 REDACTED REDACTED REDACTED REDACTED 28 BEY004476]

7 REDACTED REDACTED REDACTED REDACTED REDACTED

8 REDACTED REDACTED REDACTED

9
 10 58. In spite of IAD Bolton telling me that our cases were “going to get attention now”,
 11 the DOJ investigation received no input from us or any evidence from IAD No. 07-0538 as
 12 directly related prior cases. April 2009, The DOJ released the OPD investigation report,
 13 and submitted it to IAD Sean Whent under the sole control of OPD and City of Oakland.
 14 Then, [2011], in secrecy, OPD Chief Jordan reversed all the SUSTAINED MOR findings
 15 in the DOJ report, thus negating any independent oversight and transparency of said
 16 report. OPD and City administrator Dan Linheim concealed the DOJ summary report for
 17 over two (2) years from John and I by refusing to release said report to the public, despite
 18 numerous public records request from the media. In 2011 after OPD Longmire’s law suit
 19 forced the report’s release, we found out that we, [04, 05, 07] were not a part of the State
 20 DOJ investigation, as OPD IAD had lied to me 2007 through 2011, and in 2017 discovery
 21 we confirmed this.

22 59. In 2011, Sgt. Longmire’s employment discrimination lawsuit forced the
 23 Defendants to release the partial DOJ report after concealing it for two (2) years. The
 24 report exposed wide-spread OPD corruption, misconduct, obstruction of justice, aiding and
 25
 26
 27
 28

1 abetting criminals, racial and religious profiling, and incompetence, but no investigation of
 2 Waajid Bey, John Bey, or Saleem Bey's IAD No. 07-0538 complaint relationship to OPD,
 3 the murder of Chauncey Bailey, and Yusuf 4's "false flag" Black Muslim crime spree.

4 **60.** The DOJ revealed that Longmire and his supervisor Joyner were receiving direct
 5 orders from OPD Chief Jordan and ALCO DA Rodgers at the same time Longmire had an
 6 established illicit relationship with Yusuf Bey⁴ and OPD Longmire was exposed as
 7 criminally tampering with Chauncey Bailey murder evidence on behalf of Yusuf Bey 4.
 8 [43.0 – 43.2 Exhibit BEY00500-503 "Longmire's multiple efforts to tamper with evidence
 9 confiscated in the raid& return to Bey 4's wife]. This occurred after the Bailey murder.
 10

11 **61.** On September 26, 2011, [12 BEY004463] REDACTED REDACTED

12 REDACTED REDACTED REDACTED REDACTED REDACTED

13 REDACTED REDACTED REDACTED REDACTED REDACTED

14 REDACTED REDACTED REDACTED REDACTED

15 Again, we
 16 requested an independent investigation. This complaint was summarily closed
 17 administratively by IAD. Then IAD Captain Figueroa falsely stated that REDACTED REDACTED
 18 REDACTED REDACTED

19 REDACTED REDACTED As shown, factually to date, no investigations have
 20 been done by OPD or any independent investigators regarding the subjects or employees
 21 named in my IAD Nos. 07-0538 or IAD No. 13-1062.

22 **62.** In November 2011, OPD attacked Occupy protestors, and on December 19th 2011
 23 the City of Oakland removed control from IAD Figueroa, and agreed of its own volition to
 24 an independent investigation of similarly situated Occupy, using OPD contractor Frazier,
 25 future OPD Compliance Director, and initiator of the incomplete IAD No. 13-1062.
 26
 27
 28

63. In April 2012, John Bey and I sent an evidence packet and letter noticing Monitor Warshaw's New Hampshire corporate office via registered mail, notifying his office of illicit OPD "special treatment" of suspects attacking us.[23.0 ExhibitBEY03001]

64. On May 1, 2012, after Defendant and community raised concerns regarding OPD conflict of interest/bias, hampering an "impartial" OPD investigation of similarly situated Occupy related complaints of OPD misconduct, a court order was issued by Judge Thelton Henderson, providing Federal oversight of the [defendant initiated] independent investigation of OPD based upon previous OPD IAD and defendant failings.

65. On October 11, 2012, Hon. Judge True ruled for summary judgment against Longmire who failed to prove discrimination. Judge True is quoted, "a reasonable jury could find at most that those in leadership positions in the Department, and possibly also the DA's office were interested in framing him as the scapegoat when the public concluded that the Bailey investigation had not been properly handled". *Longmire v. Oakland* - At the same time that Longmire tampered with Bailey murder evidence and was aiding Yusuf 4, Longmire was taking orders from [JTTF] OPD AC Jordan and DA Rogers. Yusuf 4's "special treatment" by OPD resulted in "gun walking" murders during OPD led "OPERATION CRIMEWAVE" which depravedly fomented Black on Black violence and resulted unnecessarily in multiple [mass] murders in the Black community. Living under these conditions has been continuous torture on me and my family. The uninvestigated involvement of criminal officers operating under color of law, and established as specifically targeting me using known shooters against myself continues to negatively disrupt every aspect of my life. Only closure via independent investigation will begin to bring relief.

66. In March 2013, Frazier was appointed as Compliance Director by Judge Henderson, *Allen v Oakland* order, with the power to investigate and discipline, and firing of OPD command based in part on OPD command's failure to hold itself accountable. Frazier stated to media that he would reopen and re-investigate some OPD IAD cases.

67. 2013, Compliance Director Frazier received the first letters from us, asking for treatment equal to Occupy to investigate Waajid Bey, John Bey, and my IAD No. 07-0538.

68. [8 Exhibit BEY004430, 12 Exhibit 4409] REDACTED REDACTED

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69. In our meeting on September 2, 2013, with IAD Captain Cunningham [Defendant OPD recorded this interview – Discovery [12 BEY004415], REDACTED

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1 REDACTED John Bey's email also repeated our demand for an independent investigation
 2 of IAD No. 13-1062. IAD John Lois then forwarded John Bey's email as an attachment to
 3 investigator OPD William Griffin on October 4th 2013, but failed, as required, to report
 4 possible OPD criminal felony acts to the Compliance Director and the DA.

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11 72. In November 2013, John Bey and I had a follow-up meeting with Sgt. B. Griffin
 12 outside on a bench in the plaza, unrecorded per his request; he spoke about the delay and
 13 said that his investigation was complete. Sgt. B. Griffin stated that he had discovered that
 14 "gun walking of firearms connected the civilian murders of Odell Robeson [7/08/07]
 15 and Michael Wills [7/12/07] to the [2/27/04]Waaqid Bey murder". John Bey and I were
 16 displeased with OPD IAD and complained to IAD Griffin that we did not have any
 17 meaningful input during his "investigation" of IAD No. 13-1062.

18 73. 2017 Discovery revealed, that IAD Griffin did not conduct any interviews, was
 19 instructed not to investigate former IAD investigations (my) IAD No. 07-0538 and IAD
 20 No. 07-0553, left one unanswered message with former OPD Brock, did not have the John
 21 Bey or Waaqid Bey case files he was supposed to be investigating for the entire seven [7]
 22 months, and yet still found enough evidence to find OPD sustained for police misconduct
 23 MOR 314.39 violations for failure to properly investigate in John and Waaqid Bey cases.
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74. On March 18th 2014 [unknown until 2017 Discovery responses], IAD Captain Cunningham, [in conflict of interest] summarily made the determination that our 2013 IAD complaint about IAD investigations of my previous related IAD investigations [IAD 07-0538 connected to OPD Whent and Downing] were all proper and were not to be re-investigated. REDACTED REDACTED REDACTED REDACTED

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76. In March 2014, John Bey and I met with the Compliance Director/Monitor Warshaw in the Marriott Hotel in Oakland regarding OPD Whent, Downing, Joyner, and Longmire as “**current employees**” whose names were missing in the closed and incomplete IAD No. 13-1062. Warshaw told us that he had a meeting earlier that day with Chief Whent regarding IAD No. 13-1062, and he stated that Deputy Chief Downing’s signature closing IAD No. 07-0538 was “incriminating”.

77. In 2014, John and I met with Mayor-elect Libby Schaaf regarding the incorrect and incomplete IAD No. 13-1062 closing letter. Schaaf acknowledged it could be interpreted multiple ways and failed after committing to meeting again in the future about the case.

1 **78.** [June 24th 2014] Meeting with AC Figueroa, which DC Outlaw had arranged and
2 was present for, OPD Figueroa again failed to disclose his conflict of interest but conceded
3 that the IADNo.13-1062 closing letter was incorrect and incomplete. DC Outlaw stated
4 that after “closing” IADNo.13-1062, OPD, following our lead, had “finally located” the
5 missing John Bey case files [nothing done since its closing 2005] with retired OPD Brock,
6 now a DA investigator in walking distance, just blocks from OPD.

7
8 **79.** In August 2014, Compliance Director Warshaw told us that he had assigned
9 [conflicted] AC Figueroa to complete outstanding issues with IAD No.13-1062.He
10 instructed AC Figueroa to continue as our contact and meet with us to facilitate resolution
11 and report back to him. Over three 3 years later, we still have had no investigation and no
12 resolution of IAD No. 13-1062, thus continuing the irreparable harm to me.

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14 **80.** On January 20th 2015,John Bey and I addressed the Defendant City Council during
15 a vote to renew Compliance Director Warshaw’s contract, and provided copious amounts
16 of evidence showing IADNo.13-1062 was still incomplete, was purposely inaccurate, that
17 current Chief Whent and current DC Downing were missing from the final report, and that
18 Compliance Director Warshaw was fully aware and failing to act on incomplete
19 IADNo.13-1062. [14.4 Exhibit video 1 20 15] Multiple Defendant council members
20 reacted to our evidence of “missing files” and stated an obvious need for an independent
21 investigation as well as a resolution of the decade long unresolved “Bey cases”.

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24 **81.** On February 6th2015,John Bey and I had a second meeting with AC Figueroa, during
25 which the executive assistant to Chief Whent, Officer Holly Joshi was present.AC
26 Figueroa again admitted that the March 18th 2014closing Letter was incorrect and
27 incomplete. Officer Joshi acknowledged this by showing a look of surprise, particularly
28

1 at the “no current employees” statement as it relates to David Downing. When we
2 showed her the September 1st2007 IAD No. 07-0538 closing letter with Downing’s
3 signature, Joshi stated that IADNo.13-1062 was an incomplete investigation.AC
4 Figueroa again falsely “promised” John Bey and me that he would correct the IAD No.
5 13-1062 closing letter, requesting 2 months additional time to deliver said letter...[This
6 Figueroa promise has not happened to date].
7

8 **82.** On April 3rd 2015, John Bey and I had a third meeting with AC Figueroa, this time
9 recorded [based upon Figueroa’s previous “behind closed doors” false promises] and with
10 head of homicide, OPD Roland Holmgren present. AC Figueroa again admitted to us that the
11 IADNo.13-1062 closing Letter was incorrect/incomplete, and verbally committed to adding
12 at least Ersie Joyner, and possibly more names, after more investigation. Holmgren showed a
13 look of surprise particularly at the “Ersie Joyner still current employee” mention and the
14 missing Whent and Downing. OPD Holmgren agreed with us that the best course forward,
15 based upon perceived bias and conflicts of interests, was for OPD to turn over our
16 investigations and evidence to an outside independent investigation.
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19 **83.** On April 28th 2015, John Bey and I publicly confronted AC Figueroa in an open
20 public city council Public Safety Committee meeting, [14.5 Exhibit 4/28/15 video], for lack
21 of action on IADNo.13-1062. Figueroa stated publicly in that City of Oakland Public Safety
22 meeting that he “is still working on resolving IAD No.13-1062, that he understands why
23 we have independent investigative demands, but does not recommend an outside
24 investigation”. Figueroa was the IAD commander during the similarly situated Occupy,
25 12/19/11 he and IAD were removed from decision making, based on the IAD conflict of
26 interest, when the City agreed to hire Frazier as an independent investigator. To my
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knowledge, OPD Figueroa retains power, discretion, and authority over our IAD No. 13-1062 to the present.

84. In February 2016, we filed Citizen Police Review Board (“CPRB”) and IAD complaint No. 16-0147 against AC Figueroa for untruthfulness, making false statements, bias, and failing to complete the investigation of IADNo.13-1062 as ordered by the Compliance Director; all Class 1 MOR violations, IAD again summarily closed the complaint without investigation. The CPRB waited almost a year before administratively closing IAD No. 16-0147, again falsely stating that no Manual of Rules (“MOR”) violations were committed.

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86. On July 20, 2016, due to the Defendants’ multi-year deliberate indifference to address the incomplete IAD No. 13-1062, and the coordinated effort by the OPD, Mayor, Administrator, and City Attorney’s office to keep the evidence of OPD criminality in the Bey v. Oakland case from the NSA Court, we retained the Law Offices of Bonner & Bonner. Almost two years later I have multiple immediate family members in counseling for PTSD related symptoms based upon the still unsolved and still uninvestigated cases. My youngest daughter still has periodic anxiety attacks for current unresolved concerns for family

members safety. I have sought medical aid for PTSD symptoms and currently as of the writing of this, I live in a psychological torturous state of hyper vigilance and concern for my family and myself. I was forced to wear body armor everyday for over 6 years based upon OPD aid to persons who may still be on the street targeting myself and my family. Everyday that I am not provided the psychological closure of a independent [of OPD/defendant] I continue to suffer irreparable harm everyday that defendant refuses to give equal treatment.

CONCLUSION

87. It is fair and just to grant us an Independent Investigation because equal protection and treatment is guaranteed to everyone, regardless of race or religion, by 42 USC§1983(85) of the Constitution of the United States, and it applies to our request for the equal treatment of an unbiased and un-conflicted independent investigation of our cases as provided by the Defendant of its own volition to similarly situated Occupy, Officer Grant, and the sex scandal. Evidence establishes that defendant has unequally denied to us for over a decade.

THERE IS NO PREJUDICE OR DETRIMENT TO THE DEFENDANTS

88. There is no prejudice or detriment to the City of Oakland because the Defendants have provided historically provided multiple independent investigations without court order as well as to similarly situated Occupy an independent investigation based upon OPD conflicts of interest. REDACTED REDACTED REDACTED REDACTED

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IND. INVESTIGATION WILL BENEFIT THE COURT BY SPEEDING UP CASE

89. Only Federal mandates and oversight will protect citizens from status quo systemic City and OPD racism-based malfeasance, internal cover up, and discrimination, as outlined in the Swanson Report. This report clearly states that without external intervention, Defendant will not investigate themselves. This is proven by the amount of years [4 years] IAD No. 13-1062 has been, and still is, incomplete and the number of times IAD has falsely exonerated itself, in our complaints.

RELIEF SOUGHT

A. APPOINTMENT OF SPECIAL INDEPENDENT INVESTIGATOR

1. We are requesting the equity of a non-biased Independent Investigation of IAD complaint No.13-1062 and related criminal cases.
2. Appropriate Judicial action based on the findings of the Independent Investigation IAD complaint No.13-1062 and related criminal cases.

B. INDEPENDENT INVESTIGATION OF IAD 13-1062 AND ALL RELATED CASES INCLUDING JOHN BEY ATTEMPTED MURDER, WAAJID MURDER AND MY IAD COMPLAINT 07-0538

I declare under the penalty of perjury that the under the laws of the United States of America that the foregoing is true and correct, except those matters stated on information and belief, and as to those matters I believe them to be true.

Dated: March 9, 2018


Ali Saleem Bey - Plaintiff